

United States District Court

**EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

KATHRYN TENNANT

V.

GORDON SWOR

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CASE NO. 4:05CV294
(Judge Schneider/Judge Bush)


**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report of the United States Magistrate Judge in this action, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On April 3, 2006, the Magistrate Judge entered his Report containing his proposed findings of fact and recommendations that Defendant's Motion for Summary Judgment be granted and that the above titled and numbered cause of action be dismissed with prejudice. Plaintiff filed objections out of time on April 18, 2006.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of the Plaintiff are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court. It is, therefore,

ORDERED, ADJUDGED and DECREED that Defendant's Motion for Summary Judgment is **GRANTED**, and the above titled and numbered cause of action is **DISMISSED WITH PREJUDICE**.

SIGNED this 24th day of April, 2006.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE